IN THE HIGH COURT OF BOMBAY AT GOA, PANAJI-GOA

APPEAL FROM ORDER NO. 62 OF 2002

1. State of Goa
   through Secretary (Forests),
   having his office at Secretaries,
   Panaji-Goa.

2. The Conservator of Forests
   Government of Goa, having
   office at Junta House,
   Panaji-Goa.

3. Deputy Conservator of Forests,
   North Goa Division,
   Ponda-Goa.

4. Director of Industries & Mines,
   Govt. of Goa, Udhog Bhavan,
   Panaji-Goa. .... Appellants.

Versus

Gangadhar Narsingdas Agarwal
Station Road, Post Box No. 107,
Margao-Goa, through his duly
constituted attorney Devidas
Sadanand Kuchodkar
residing at Curchorem-Goa. .... Respondent

Shri M.D. Salkar, Additional Government Advocate for the Appellants.

Shri V.B. Nadkarni, Sr. Advocate with Shri Y.V. Nadkarni, Advocate for the Respondent – absent.

CORAM : **P.V. KAKADE, J.**

DATE : **17th NOVEMBER, 2006**

ORAL JUDGMENT :

Heard the learned Additional Government Advocate for the State. None appears for the respondent.

2. The present appeal is preferred by the State against the order passed by the Civil Judge, Senior Division, Quepem, partly allowing the application of the plaintiff under Order 39, Rule 1 & 2 of the Civil Procedure Code.

3. The Court is of the view that the appeal is of the year 2002 in the suit pending in the lower Court which is Special Civil Suit No. 9 of 2001 and it is transpired that the R & P is called in this Court and, therefore, suit cannot be proceeded with, by the trial Court. In my considered view, instead of adjudicating the interim matter at this belated stage, it would be in the interest of both the parties to dispose of the appeal with certain directions to the trial court.

4. Hence, the Civil Judge, Senior Division, Quepem is directed to expedite the hearing of the trial as it involves the State, so as to dispose it of

within a period of one week from the date of receipt of the writ of this Court. The R & P is said to be with High Court, which shall immediately be transmitted to the trial Court for necessary action. With these directions, the appeal stands disposed of with no order as to costs.

P.V. KAKADE, J.

NH